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12 Electronic Frontier Foundation

13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

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17 ELECTRONIC FRONTIER FOUNDATION, ) Case No. 3:09-CV-05640-SI  
18 Plaintiff, )  
19 vs. ) **JOINT STIPULATION AND**  
20 DEPARTMENT OF DEFENSE, ET AL., ) **[PROPOSED] ORDER TO CONTINUE**  
21 Defendants. ) **DATE OF CASE MANAGEMENT**  
22 ) **CONFERENCE**  
23 ) Date: October 26, 2010  
24 ) Time: 3:00 p.m.  
25 ) Courtroom: 10, 19th Floor  
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1 Plaintiff Electronic Frontier Foundation (EFF) and Defendants Department of Defense, et al  
2 hereby stipulate to and respectfully request that this Court continue the date of the Case  
3 Management Conference (CMC) from October 26, 2010 to January 14, 2011, or to the Court's  
4 earliest convenience thereafter. The parties have discussed case management and have filed a  
5 proposed schedule in their Joint Case Management Statement, Dkt. No. 24, that will resolve the  
6 remaining issues in the case. Because the parties have agreed on the proposed schedule and believe  
7 they can work together over the next few months to narrow the issues, the parties do not believe a  
8 CMC is necessary at this time.

9 On June 10, 2010, the parties filed a stipulation and proposed order to change time for filing  
10 dispositive motions until after the CMC on July 16, 2010. The Court signed the proposed order on  
11 July 6, 2010. On July 9, 2010, the parties filed a Joint Case Management Statement and appeared  
12 for the CMC on July 16, 2010. At that time the parties informed the court that they planned to meet  
13 and confer by August 31, 2010 to determine the issues remaining in this action and to propose a  
14 timeline for the resolution of those issues. The parties met on August 30, 2010 and discussed a  
15 tentative motion schedule. On September 3, 2010, the parties filed a stipulation and proposed order  
16 to continue the CMC to allow Plaintiff time to review Department of Justice Criminal Division's  
17 final release of documents on September 30, 2010. The Court granted the motion on September 8,  
18 2010 and continued the CMC to October 26, 2010.

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1           The requested time modification should not adversely affect the Court's schedule because  
2 the parties have proposed a schedule for resolving the case and are in active discussions about  
3 narrowing the issues requiring the Court's attention.

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5 DATED: October 19, 2010

6 Respectfully submitted,

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8 /s/ Jennifer Lynch  
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/s/ Kimberly L. Herb  
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Attorneys for Defendants

20 **GENERAL ORDER NO. 45(X) CERTIFICATION**

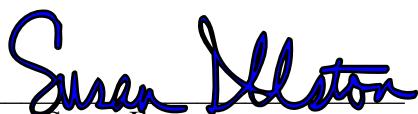
21 I attest that I have obtained Kimberly Herb's concurrence in the filing of this document.

22 /s/ Jennifer Lynch  
23 Jennifer Lynch

24 \*       \*       \*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

  
Hon. Susan Illston  
United States District Judge